

CONGRESSIONAL RECORD SUMMARY

Wednesday, February 27, 2002

SENATE

Measure Introduced:

S. 1971. A bill *to amend* the Internal Revenue Code of 1986 and *the Employee Retirement Income Security Act of 1974* to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

Grassley

Pages S 1251-2, S 1253-8

S. 565. Election Reform:

Senate continued consideration of S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, taking action on the following amendments proposed thereto:

Pages S 1223-41, D 134

Pending:

Clinton Amendment No. 2906, to establish a residual ballot performance benchmark.

Pages S 1223, D 134

Dodd (for Schumer) Modified Amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Pages S 1223, D 134

Dodd (for Kennedy) Amendment No. 2916, to clarify the application of the safe harbor provisions.

Pages S 1223, D 134

Hatch Amendment No. 2935, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Pages S 1223, D 134

Hatch Amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Pages S 1223, D 134

Schumer/Wyden Amendment No. 2937, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail. (By 46 yeas to 51 nays (Vote No. 38), *Senate failed to table the amendment.*)

Pages S 1223-8, D 134

Smith (NH) Amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

Pages S 1223, D 134

Bond Amendment No. 2940 (to Amendment No. 2937), to permit the use of signature verification programs to verify the identity of individuals who register to vote by mail.

Pages S 1228-32, D 134

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, the cloture vote will occur on Friday, March 1, 2002.

Pages S 1241, D 134

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Thursday, February 28, 2002.

Pages S 1241, D 134

Committee Meetings:

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings to examine the role of the Federal Emergency Management Agency (FEMA) concerning terrorism response, including funding for first responder and live agent training facilities such as the Center for Domestic Preparedness, *the impact of the proposed transfer of the Office of Emergency Preparedness from the Department of Justice to FEMA*, and U.S. chemical weapons stockpiles protection.

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Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine issues related to corporate governance raised by Enron Corporation, focusing on abuse of stock options, auditor independence, and compensation issues.

Committee on the Budget: Committee concluded hearings to examine the long-term budgetary outlook of the United States, focusing on demographic trends, the impact of the aging baby boom generation, and creating a balance between current needs and wants against known long term pressures.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings on **S. 414**, to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, focusing on the digital divide and minority serving institutions.

Committee on Finance: Committee held hearings to examine potential vulnerability issues of employer-sponsored defined contribution and benefits retirement plans, otherwise known as pension plans, including the importance of investment diversification, investor education issues, information disclosure, fiduciary rules needed to safeguard employee pension assets, and related issues associated with the Enron Corporation's defined benefit pension plans.

Committee on Foreign Relations: Committee concluded hearings to examine the development of a secure future, focusing on democratization, poverty alleviation, and human rights.

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Committee on Governmental Affairs: Committee concluded hearings to examine the fall of the Enron Corporation and the inaccuracies and independence of Wall Street research analysts ratings of Enron.

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on **S. 1284**, *to prohibit employment discrimination on the basis of sexual orientation*.

Committee on Indian Affairs: *Committee concluded oversight hearings to examine how the rulings of the United States Supreme Court affect the powers and authorities of Indian tribal governments, after receiving testimony from William C. Canby, Jr., United States Court of Appeals for the Ninth Circuit, Phoenix, Arizona.*

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Committee on the Judiciary: Committee concluded hearings *to examine the impact of State sovereign immunity on the enforcement of intellectual property rights*, focusing on the meaning of related Supreme Court decisions, *Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank* and *College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board*, and a related measure, **S. 1611**, to restore Federal remedies for infringements of intellectual property by States.

Pages D 137-8

Committee Meetings For Thursday, February 28, 2002:

Committee on the Budget: @ 10:00 a.m. To hold hearings to examine the President's proposed budget request for fiscal year 2003, focusing on winning the war, transformation, and reform issues. SD- 608.

Committee on Commerce, Science, and Transportation: @ 9:30 a.m. To hold hearings *to examine the protection of content in a digital age*, focusing on promoting broadband and digital television transition. SR-253.

Committee on the Judiciary: @ 2:30 p.m. Subcommittee on Immigration, to hold hearings on **S. 121**, to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children. SD-226.

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Committee Meetings Scheduled:

Committee on Appropriations, 3/5/02 @ 10:00 a.m. *Commerce, Justice, State, and the Judiciary Subcommittee to hold hearings on proposed budget estimates for fiscal year 2003 for the Judiciary.* SD-138.

Committee on the Judiciary, 3/5/02 @ 10:00 a.m. To hold hearings on *pending executive branch nominations*. SD-226.

Committee on Governmental Affairs, 3/5/02 @ 2:30 p.m. To hold hearings on the nomination of *Jeanette J. Clark*, to be an *Associate Judge of the Superior Court of the District of Columbia*. SD-342.

Committee on Health, Education, Labor, and Pensions, 3/5/02 @ 2:30 p.m. To hold hearings to examine the dangers of cloning and the promise of regenerative medicine. SD-430.

Committee on the Budget, 3/6/02 @ 10:00 a.m. To hold hearings to examine the President's proposed budget request for fiscal year 2003, focusing on analysis of the Congressional Budget Office. SD-608.

Committee on Banking, Housing, and Urban Affairs, 3/6/02 @ 10:00 a.m. To hold oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies. SD-538.

Committee on the Judiciary, 3/6/02 @ 10:30 a.m. Antitrust, Competition and Business and Consumer Rights Subcommittee to hold hearings to examine cable competition, focusing on the Echostar-Direct TV merger. SD-226.

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Committee on the Judiciary, 3/20/02 @ 10:00 a.m. Technology, Terrorism, and Government Information Subcommittee to hold hearings to examine identity theft and information protection.. SD-226.

Committee on Appropriations, 3/21/02 @ 10:00 a.m. Commerce, Justice, State, and the Judiciary Subcommittee to hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice. SD-116.

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Committee Meetings Scheduled (Cont'd.):

Committee on the Judiciary, 4/10/02 @ 10:30 a.m. Antitrust, Competition and Business and Consumer

Rights Subcommittee to hold hearings to examine cable competition, focusing on the ATT-Comcast merger.
SD-226.

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Remarks:

Nominations Of Judge Charles Pickering And Judge Brooks Smith.

"... I can count the votes, Madam President, and it seems to me that, regrettably, the Judiciary Committee is going to vote along party lines and deny Judge Pickering an affirmative vote to bring his nomination to the floor of the Senate. I may be wrong. I hope I am wrong. I do not think I am wrong. It seems to me that whatever the vote for confirmation is in the Judiciary Committee, Judge Pickering ought to come to the full Senate. [] I do not think that the Senate, or Senators, have standing to raise questions about travel. I say that in the context of traveling myself, and I think those travels are very worthwhile. And I have gone to seminars, and I make the appropriate disclosure on my financial statements. The seminars that Judge Smith attended were entirely appropriate, and he was challenged because he had not listed the value of those trips to seminars. He stated that he thought he had complied with the law. Since staff has checked out, it was found there was no requirement that the value be listed..."

Specter

Pages S 1233-5

Pension Security Act Of 2002.

Gregg

Page S 1248

HOUSE

Bills Introduced:

H.R. 3799. A bill to amend title 36, United States Code, to repeal the Federal charter for Retired Enlisted Association, Incorporated; to the Committee on the Judiciary.

Kleczka

Page H 633

H.R. 3806. *A bill to amend title 5, United States Code, to protect those who defend the United States by exercising their duty as patriots to warn against the existence of threats to weaknesses created by institutional failures that should be identified and corrected in a timely manner, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.*

Israel

Page H 633

H.R. 3810. A bill to prohibit livestock packers from owning or feeding livestock intended for slaughter for more than 14 days before such slaughter, to prohibit excessive concentration resulting from mergers among certain purchasers, processors, and sellers of livestock, poultry, and basic agricultural commodities, **to require the Attorney General to establish an Office of Special Counsel for Agriculture**, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Nussle

Page H 633

Bills Introduced (Cont'd.):

H.R. 3816. *A bill to amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President; to the*

Member Sworn--1st District of Oklahoma:

Representative-elect John Sullivan presented himself in the well of the House and was administered the oath of office by the Speaker. Earlier, read a letter from the Honorable Mike Hunter, Secretary of State, State of Oklahoma, who certified the election results of the Special General Election held on January 8, 2002 for the Office of United States House of Representatives District 1 vacated by the resignation of Representative Steve Largent.

Pages H 565, D 138

H.R. 1542. Internet Freedom and Broadband Deployment Act:

The House passed H.R. 1542, to deregulate the Internet and high speed data services, by a recorded vote of 273 ayes to 157 noes, Roll No. 45.

Pages H 568-H 609, D 138

Agreed to the Markey motion, as amended by Buyer, to recommit the bill to the Committee on Energy and Commerce with instructions to report it back to the House with an amendment that guarantees access to consumers for Competitive Local Exchange Carriers (CLECs). The amendment consisted of the text of Buyer amendment No. 3 printed in Part B of H. Rept. 107-361 made in order by the rule as a substitute to amendment No. 2 of the report. Subsequently, Chairman Tauzin reported the bill back with the amendment, and it was agreed to.

Pages H 601-07, D 139

Earlier, by a recorded vote of 173 ayes to 256 noes, Roll No. 44, the House failed to order the previous question on the Markey motion to recommit the bill to the Committee on Energy and Commerce with instructions to report it back to the House with an amendment that sought to preserve existing rules relating to the rates, charges, terms, and conditions for the purchasing or leasing of telecommunications services and network elements by competitive telecommunications carriers. The amendment consisted of the text of amendment No. 2 printed in Part B of H. Rept. 107-361 made in order by the rule but not offered by Representative Cannon or his designee.

Pages H 605, D 139

Pursuant to the rule the amendment in the nature of a substitute printed in Part A of H.Rept. 107-361 was considered as adopted.

Pages H 594, D 139

Agreed To:

Upton amendment No. 1, printed in Part B of H. Rept. 107-361, that strengthens FCC enforcement authority by increasing the forfeiture penalties cap for all common carriers who violate telecommunications law from \$1.2 million to \$10 million, increasing the fine per violation cap from \$120,000 to \$1 million, doubles these amounts for repeat offenders, doubles the statute of limitations for the FCC to bring enforcement actions against carriers from one year to two years and gives it the authority to issue cease and desist orders, and requires the FCC to evaluate the impact of these increased remedies within one year after enactment (agreed to by recorded vote of 421 ayes to 7 noes, Roll No. 43).

Pages H 597-H 601, D 139

H.R. 1542. Internet Freedom and Broadband Deployment Act (Cont'd.):

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill.

Pages H 608-09, D 139

Agreed to H. Res. 350, the rule that provided for consideration of the bill was agreed to by a yea-and-nay

vote of 282 yeas to 142 nays, Roll No. 42.

Pages H574, D 139

Executive Communication:

EC.-5663. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending June 30, 20010, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

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Committee Meetings:

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government held a hearing on U.S. Customs, and on Secret Service.

Committee on Education and the Workforce: Subcommittee on Employer- Employee Relations held a hearing on *“Enron and Beyond: Legislative Solutions.”*

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Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled *“How much are Americans at risk until Congress Passes Terrorism Insurance Protection?”*

Committee on Government Reform: Held a hearing on *“Justice Department Misconduct in Boston: Are Legislative Solutions Required?”*

Committee on the Judiciary: Began markup of **H.R. 2146**, *Two Strikes You're Out Child Protection Act*. The Committee also approved Budget Views and Estimates for Fiscal Year 2003 for submission to the Committee on the Budget.

Committee on Transportation and Infrastructure: Ordered reported the following measures: **H.R. 2804**, *to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the “James R. Browning United States Courthouse;”* **H.R. 3347**, amended, General Aviation Industry Reparations Act of 2001; and **S. 1622**, to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001. ***The Committee also approved the following: three Public Building Resolutions;*** and Committee Budget Views and Estimates for Fiscal Year 2003 for submission to the Committee on the Budget.

Committee on Transportation and Infrastructure: *Subcommittee on Aviation held a hearing on Aviation Security, focusing on Passenger Profiling.*

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Committee Meetings for Thursday, February 28, 2002:

Committee on Appropriations: @ 2:00 p.m. Subcommittee on Commerce, Justice, State and Judiciary, on Attorney General. 2358 Rayburn.

Committee on Appropriations: @ 10:00 a.m. Subcommittee on Treasury, Postal Service and General Government, on Bureau of Alcohol, Tobacco and Firearms. 2359 Rayburn.

Committee on the Judiciary: @ 10:00 a.m. Subcommittee on Commercial and Administrative Law, oversight hearing on the Legal Services Corporation, 2141 Rayburn.

Committee on the Judiciary: @ 1:00 p.m. Subcommittee on the Constitution, hearing on H.J. Res. 67, proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives in the event a significant number of Members are unable to serve at any time because of a national emergency, 2237 Rayburn.

Committee on Ways and Means: @ 11:00 a.m. Subcommittee on Social Security, hearing on Social Security Improvements for Women, Seniors and Working Americans, B- 318 Rayburn.

Permanent Select Committee on Intelligence: @ 10 a.m. Subcommittee on Terrorism and Homeland Security, executive, hearing on FBI Counterterrorism Issues, H-405 Capitol.

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Remarks:

Introduction of the Paul Revere Freedom to Warn Act. (H.R. 3806)

"...The law is clear: according to the Lloyd-LaFollette Act, employers can't interfere with whistleblowers. Unfortunately, while the law is clear, it doesn't have any penalties if the act is violated. It has no teeth; it is like Paul Revere without a voice. The Paul Revere Freedom to Warn Act, which I will be introducing later today, protects employees who blow the whistle by allowing them to bring a civil action in federal courts with jury trials. These people have three years to bring these actions for lost wages and benefits, reinstatement, costs and attorney fees, compensatory or punitive damages, and any other relief that the courts believe are appropriate..."

Israel

Page E 214

Family and Medical Leave Expansion Act.

Green

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Family Sponsor Immigration Act.

Smith

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Next SENATE MEETING: Thursday, 10:30 a.m., February 28, 2002.

Next HOUSE MEETING: Thursday, 10:00 a.m., February 28, 2002.

OLA: S. Schwarz, A. Santos